

REMARKS

Claims 1-17 and 20-27 are pending in the present application, with claims 7-10 amended by the present amendment. Claims 20-25 are withdrawn from consideration. Applicant's originally filed claims were the subject of a previous restriction.

Claims 7-10 are amended to correct typographical and antecedent informalities noted by Applicant. No new matter is added.

The Examiner has required election in the present application between:

Species I and II; Sub-Species A and B; Sub-Sub-Species 1, 2 and 3; and Sub-Sub-Species a and b.

For the purpose of examination of the present application, Applicant elects with traverse, Species 1-B-3-a. Applicant submits that claims 1-2, 4-8, 10-14 and 26-27 read on Species 1-B-3-a.

If the Examiner does not agree that any one of claims 1-2, 4-8, 10-14 and 26-27 read on Species 1-B-3-a, the Examiner is authorized to withdraw any such claim from consideration and examine the remaining claims.

Applicant acknowledges the telephone interview between the Examiner and Applicant's representative on August 5, 2009. During the interview, the Notice of Non-Compliant Election of Species was clarified by the Examiner.

Applicant acknowledges the telephone interview between the Examiner and Applicant's representative on September 2, 2009. During the interview, the Examiner confirmed that the current election is proper.

Application No. 10/769,815
Amendment dated September 3, 2009
Reply to Election of Species of December 12, 2009 and
Notice of Non-Compliant Election of Species of August 3, 2009

It is respectfully submitted that it should be no undue burden on the Examiner to consider all claims in the single application. Thus, reconsideration and withdrawal of this Restriction Requirement are respectfully requested.

In the event that the Examiner persists in this requirement, Applicants reserve the right to file a Divisional application at a later time, if so desired.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Michael E. Monaco, Registration No 52,041 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- Attached is a Petition for Extension of Time.
- Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 3, 2009

Respectfully submitted,

By 
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